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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

<p>R.D. and C.D.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>BOY SCOUTS OF AMERICA, a congressionally chartered corporation, authorized to do business in Washington; and CORPORATION of the PRESIDENT of the CHURCH of JESUS CHRIST of LATTER-DAY SAINTS and SUCCESSORS, a foreign corporation.</p> <p>Defendants.</p>	<p>CAUSE NO. 2:10-CV-1006</p> <p><b>AMENDED</b> COMPLAINT FOR PERSONAL INJURIES</p> <p><b>JURY TRIAL DEMANDED</b></p>
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Plaintiffs R.D. and C.D., by and through their undersigned counsel, Kevin P. Sullivan of Sullivan & Thoreson, and Thomas N. Petersen, of Black, Chapman, Webber, Stevens & Petersen, allege as follows:

**I. INTRODUCTION**

**1.** The Boy Scouts of America (hereinafter "BSA") is the largest youth organization in the United States with approximately 5,000,000 members. BSA was chartered in 1910 by an act of Congress. An estimated 20% of American boys have had contact with scouting, either as members or by attending Scout functions.

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2. Throughout its history, the BSA has consistently held itself out to the public as a “moral and safe” environment for boys to participate in healthy outdoor activities and to be given proper guidance and instruction. Millions of parents and scouts have placed their trust in the BSA.

3. Paradoxically, the BSA promotes the wholesomeness of its programs while knowing that since the 1940’s, it has been secretly removing Scoutmasters for child sexual abuse at an alarming rate, which in the 1970’s reached an average of one every three days. Its own records demonstrate that it has long known that Scouting attracts pedophiles in large numbers and that Scouts, far from being safe, are at the heightened risk of sexual abuse by child molesters.

4. The Corporation of the President of the Church of Jesus Christ of Latter Day Saints and Successors (hereinafter “LDS”) is a large religious denomination which likewise promotes the ideals of moral purity and rectitude. The LDS Church has actively associated itself with BSA, including, as here, active sponsorship and control of BSA Scout troops.

5. The LDS Church has accepted the BSA as a key program within the Church. The LDS Church is one of the largest chartering organizations for scout troops in the U.S. Only the LDS Church has officially adopted Scouting as a church youth program. In 1913, the LDS Church became the first church partner of BSA. The LDS Church promotes participation in BSA as a necessary step in the process whereby male members become fully active “priests” in the LDS Church. LDS Scout units are designated for LDS youth and operate differently than non-LDS Scout units.

## II. PARTIES/JURISDICTION

1       6.       This Court has personal jurisdiction over the parties herein. Further, this Court  
2       has subject matter jurisdiction over the claims herein pursuant to 28 U.S.C. § 1332(a)(1),  
3       because Plaintiffs and Defendants are residents of different states and the Plaintiffs claim  
4       damages in excess of \$75,000, exclusive of interest and costs.

5       7.       Plaintiff R.D. now lives in Medford, Oregon. At all relevant times, R.D. was a  
6       young boy living with his parents in Lakewood, Washington. At all relevant times, R.D.  
7       was enrolled in BSA Scouting programs and was an active member in the Tacoma Stake,  
8       Lakewood LDS Church (or “ward”).

9       8.       Plaintiff C.D. now lives in Medford, Oregon. At all relevant times, C.D. was a  
10      young boy living with his parents in Lakewood, Washington. At all relevant times, C.D.  
11      was enrolled in BSA Scouting programs and was an active member in the Tacoma Stake,  
12      Lakewood LDS Church (or “ward”).

13      9.       Defendant Boy Scouts of America is a congressionally chartered corporation  
14      authorized to do business in Washington.

15      10.      The Corporation of the President of the Church of Jesus Christ of Latter-Day  
16      Saints and Successors is a foreign corporation sole registered to do business in  
17      Washington.

## III. STATEMENT OF RELEVANT FACTS

18      11.      Gary Reese was a resident of Lakewood, Washington who on information and  
19      belief, now resides in Steilacoom, Washington. Reese engaged in pedophilic behavior  
20      and was a sexual predator of adolescent and pre-adolescent boys. Reese led the Scout  
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Troop in Lakewood, Washington, sponsored by the LDS Church, at all relevant times.

Reese sexually assaulted Plaintiffs R.D. and C.D.

**12.** BSA knew for decades that sexual predators of boys had infiltrated scouting.

These defendants knew or should have known the danger that pedophiles presented to Boy Scouts and either knew or should have known the danger that Reese presented, but instead ignored that danger and permitted Reese and other pedophiles in Scouting to prey upon young boys, including R.D. and C.D.

**13.** BSA's own internal "ineligible volunteer files" (also called "the confidential records"), records collected and maintained in secrecy for 70 years, revealed that Scouting is a "pedophile magnet," and that removed pedophiles were often able to reenter Scouting in other locations. These BSA files, for example, identify a Mt. Rainier Council BSA leader, who was active in 1967-68, as "molesting boys in the troop."

**14.** BSA's confidential records demonstrate both its awareness of Scouting's attraction to pedophiles, but also the distinctive characteristics of Scouting that rendered Scouts particularly susceptible to pedophiles.

**15.** BSA knew or should have known that Scouting attracts pedophiles, in part, because (a) Scouting provides the pedophile access to boys alone and away from their parents in secluded settings like campouts and overnight hikes; (b) Scouting provides opportunities for the pedophile to seduce a boy by getting him in situations where the boy has to change clothing or spend the night with him; (c) the pedophile Scout leader can, depending on the pedophile's age preference, volunteer for and be sure to have access only to boys of a certain age; (d) BSA conditions boys to the concept of strict obedience to the Scout leader in a bonding mechanism that pedophiles crave; (e) BSA promotes the

1 idea of secret ceremonies, rituals and loyalty oaths, all of which facilitate the pedophile's  
2 efforts to keep his victims silent and compliant; (f) at the time of the abuse, BSA  
3 conducted no criminal background checks on these volunteers or even suggested such  
4 was advisable.

5 **16.** BSA was aware that it had ejected thousands of pedophiles from its ranks of  
6 leadership in local Scout troops and failed to inform the Scouts and their parents of that  
7 fact.

8 **17.** BSA knew or should have known that if they advised parents of this statistical  
9 phenomenon, parents might well remove their boys from Scouting, thus depriving BSA  
10 of millions of dollars of income.

11 **18.** BSA knew or should have known that its "ineligible volunteers" system of  
12 keeping track of pedophiles infiltrating its ranks and attempting to eliminate them did not  
13 function as intended, it was flawed, and in many cases ineffective. Despite that  
14 knowledge, BSA did nothing to educate its Scouts and their parents of the ineffectiveness  
15 nor the enormity of the pedophile problem, nor to take action to correct its screening  
16 and/or educational system.

17 **19.** Reese was Scoutmaster of the LDS Troop in Lakewood, Washington in the  
18 1960's.

19 **20.** Reese was also a priest and youth leader within the LDS Church, specifically the  
20 LDS Church in Lakewood, Washington at all relevant times. In this capacity, Reese  
21 exercised a position of religious authority over Plaintiffs R.D. and C.D.

22 **21.** The Lakewood Scout Troop was sponsored by the LDS Church and the LDS  
23 Ward in Lakewood, Washington. At all relevant times herein, the only members of  
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Reese's BSA Troop were members of the Tacoma Stake, Lakewood LDS Ninth Ward.

All of the meetings of Reese's BSA Troop were also considered LDS Church meetings.

Reese also participated as a leader of the Lakewood LDS Cub Scout Pack, of which R.D. and C.D. were members, including on day hikes.

**22.** Meetings of this Troop were conducted both at the LDS facilities in Lakewood, as well as in Reese's home in Lakewood.

**23.** Serving as a BSA Scoutmaster and LDS leader, Reese actively groomed the boys under his charge for later sexual molestation. For example, Reese instructed the boys to wrestle in their underwear; instructed them in wrestling holds which involved the boys touching each other's genitals while dressed only in their underwear; and instructed the boys while on campouts to stand naked around the campsite and campfire while their clothing dried.

**24.** Reese was an authorized Bible seminary teacher at the LDS Ward in Lakewood in the 1960's. Members of Reese's BSA Troop attended his daily LDS Bible studies before seminary, including R.D. and C.D. In this capacity, Reese exercised religious authority over R.D. and C.D., with the knowledge and consent of the Lakewood LDS Ward and the LDS Church.

**25.** Plaintiffs R.D. and C.D. were brothers and were raised in a devout LDS family, were baptized, confirmed and regularly attended LDS functions on a daily and weekly basis at the LDS Ward in Lakewood, Washington.

**26.** In 1967-68, R.D. was a member of the Lakewood LDS BSA Troop. While attending BSA Troop meetings at Reese's Lakewood home, Reese instructed R.D. and other Scouts to engage in wrestling while in their underwear. Afterwards, Reese took

R.D. to his bedroom and sexually molested him. R.D. was a minor at the time of this sexual assault.

**27.** C.D. is R.D.'s younger brother. On multiple occasions, Reese sexually molested C.D. The sexual molestation of C.D. occurred during BSA Troop meetings at Reese's home, while on Scouting hikes and campouts, and at the LDS Ward facilities in Lakewood.

**28.** C.D. informed the local LDS Bishop that Reese had molested him. In response, the LDS Bishop advised that the LDS Church was aware of Reese's misconduct and had taken care of the issue. Later, Reese took C.D. into the baptismal font area of the LDS Ward facility in Lakewood, Washington. Reese told C.D. that he knew that C.D. had informed the LDS Bishop of his molestation of C.D. Reese asked C.D. what C.D. had specifically told the Bishop. He then proceeded to rape C.D. while in the baptismal area in the LDS Ward in Lakewood. C.D. was a minor at the time of Reese's sexual assaults.

**29.** During the time in which each Plaintiff was a minor, Reese molested, and sexually, physical, and mentally abused each Plaintiff. The molestations and abuse by Reese of Plaintiffs included, but was not limited to, forced anal intercourse, groping and fondling of Plaintiffs' genitals and other lewd and lascivious acts.

**30.** Reese's above-described acts constitute conduct in violation of the Washington Criminal Code.

**31.** Reese occupied a position of authority, respect and trust over Plaintiffs in that Reese was an adult and an LDS minister and teacher and was a BSA Scoutmaster.

**32.** Each Plaintiff felt great trust, faith and confidence in Defendants.

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**33.** Both R.D. and C.D. suffered profound psychological harm as a result of Reese's sexual molestation. Both have suffered anxiety, depression, and panic attacks in their adult lives. C.D. has suffered from alcohol addiction. Both R.D. and C.D. repressed memory of the sexual molestations and did not realize the connection between their serious mental health issues and the above-described child sexual assaults until November 2009, when their mother died.

**34.** Reese destroyed Plaintiffs' ability to have a normal, happy life. Without the active participation of defendants, Reese could not have committed his crimes and inflicted profound psychological injuries against Plaintiffs.

**35.** BSA authorized Reese to serve as a BSA Scoutmaster and Reese served in this capacity for years prior to his sexual molestation of Plaintiffs. The LDS Church and the Lakewood Ward of the LDS Church authorized Reese to serve as a Scoutmaster of the Lakewood LDS Troop, which provided Scouting opportunities to LDS members in Lakewood.

**36.** The LDS Church and the LDS Lakewood Ward authorized Reese to serve as a minister and teacher in the before-seminary youth LDS Bible classes.

**37.** Defendants thus knew or had reason to know, or were otherwise on notice, of the unlawful sexual conduct of Reese, and failed to take reasonable steps, and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by him.

**38.** Defendants failed to prevent or avoid Reese's placement in a function or environment to prevent one-on-one contact with adolescent and pre-adolescent boys as an inherent part of that function or environment.



#### IV. CAUSES OF ACTION

##### A. First Cause of Action: Negligence and Breach of Fiduciary Duty.

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2 **39.** At all times, Reese and the Lakewood LDS BSA Troop were under certain  
3 direction, supervision and control of the BSA and LDS, and were otherwise their agents.

4 **40.** At all times, MOUNT RAINIER COUNCIL was under the direction,  
5 supervision and control of the BSA and was otherwise its agents.

6 **41.** The BSA, MOUNT RAINIER COUNCIL, and LDS negligently retained and  
7 supervised Reese when said defendants knew or should have known that Reese posed a  
8 threat of sexual abuse to children, including but not limited to:  
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- 10 a) Allowing Reese to routinely conduct BSA meetings at his home with  
no other adults present.
- 11 b) Ignoring warning signs that Reese was using his BSA position to  
12 spend hours alone with individual scouts (including Plaintiffs) for the  
purpose of sexually abusing them.
- 13 c) Failing to discover, investigate, or question the fact that Reese was  
14 utilizing scout meetings to engage in improper "grooming" behaviors  
to sexually desensitize R.D., C.D. and other scouts.
- 15 d) Failing to take prompt action to remove Reese as a Scoutmaster after  
16 complaints of sexual molestation.
- 17 e) Failing to take action to investigate all adults involved in scouting after  
18 notice that other MOUNT RAINIER COUNCIL BSA Scout leaders  
were sexually abusing scouts.
- 19 f) Failing to adopt or enforce a two-adult rule.
- 20 g) Failing to conduct criminal background or other background checks on  
new or existing Scoutmasters, or more carefully screen Scoutmasters  
who did not then have and never had sons in Scouting.
- 21 h) Failing to timely adopt policies and procedures to protect children; and
- 22 i) Failing to advise parents of statistical data available to BSA from the  
23 Ineligible Volunteer Files, or that the I.V. file system of ejection of  
24 volunteers as the primary method of protecting Scouts from pedophiles  
was ineffective.

42. As a direct and proximate result thereof, and failure to prevent Reese from contact with R.D. and C.D., Plaintiffs R.D. and C.D. have been physically and psychologically injured and continue to be damaged psychologically and to experience mental anguish, humiliation and emotional and physical distress, all in an amount to be proved at trial.

**B. Second Cause of Action: Negligent Infliction of Emotional Distress.**

43. Plaintiffs hereby incorporate by reference and re-allege all of the allegations contained in paragraphs 1 through 42, as though fully set forth herein.

44. The Defendants' negligent acts and omissions exposed Plaintiffs to emotional injuries from Reese's sexual abuse and exploitation of them.

45. As a direct and proximate result thereof, Plaintiffs have been psychologically damaged and continue to be damaged psychologically and to experience mental anguish, humiliation and emotional and physical distress, all in an amount to be proved at trial.

**C. Third Cause of Action: Fraud: Concealment of Facts.**

46. Plaintiffs hereby incorporate by reference and re-allege all of the allegations contained in paragraphs 1 through 45, as though fully set forth herein.

47. In the 1960's, Defendants had actual and constructive knowledge that Reese had molested, and sexually, mentally, and physically abused Plaintiffs and other boys. On information and belief, Defendants were in fact aware that Reese was sexually abusing minor boys earlier in the 1960's, prior to his abuse of Plaintiffs. Defendants also had actual and constructive knowledge that Reese had molested, and sexually, mentally, and physically abused other minor boys in Pierce County while Reese acted as an LDS minister and teacher and BSA Scoutmaster. Furthermore, Defendants had actual and

constructive knowledge that Reese had molested, and sexually, mentally, and physically abused Plaintiffs, because Plaintiff C.D. reported these facts to their LDS Bishop.

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2 **48.** Plaintiffs are informed and believe, and on that basis allege, that Defendants  
3 affirmatively represented to Plaintiffs, their parents, other students and members at LDS  
4 churches owned, maintained, and controlled by Defendant LDS that Reese was safe, and  
5 morally and spiritually beneficial to all minors, students, minor students, minor LDS  
6 members and Scout members, and others under Reese's control, direction, and guidance.  
7 Plaintiffs are informed and believe, and on that basis allege, that when Defendants made  
8 these affirmative misrepresentations, Defendants suppressed the material facts that Reese  
9 had on numerous occasions sexually, physically, and/or mentally abused other minor  
10 boys, and/or knew of or had learned of conduct of Reese which placed Defendants on  
11 notice that Reese was likely abusing other minor boys.  
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13 **49.** Plaintiffs are informed and believe, and on this basis allege, that Defendants had  
14 actual and constructive notice that Reese was sexually abusing, assaulting and molesting  
15 Plaintiffs on a regular basis in the 1960's, while Plaintiffs were minors living and  
16 attending his LDS church and Troop meetings and activities in Lakewood.  
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18 **50.** Each Plaintiff was under Reese's supervision and care during the above-  
19 referenced times, creating a special fiduciary relationship or special care relationship with  
20 Defendants. As the responsible party and/or employer controlling Reese, and as the  
21 operator of a church where minors attended, Defendants were also in a special  
22 relationship with each Plaintiff.  
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24 **51.** Plaintiffs are informed and believe, and on that basis allege, that before, during  
25 and after the time that each Plaintiff was molested and abused by Reese, Defendants had  
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1 a duty to disclose to each Plaintiff, and minors, students, minor students, church  
2 members, minor church members, others under Reese's control, direction, and guidance,  
3 parents, and the authorities that Reese had been and was continuing to engage in sexually  
4 related conduct with minors, but intentionally suppressed and concealed this information.  
5 The duty to disclose arose by the special, trusting, confidential, and/or fiduciary  
6 relationship between Defendants and each Plaintiff as alleged herein; by reason of the  
7 fact that Defendants made affirmative representations regarding Reese, but suppressed  
8 the material facts about the molestations; by reason of the fact that the Defendants had  
9 exclusive knowledge of material facts alleged herein regarding Reese which were not  
10 known to either Plaintiff and/or not assessable to either Plaintiff; and by reason of the fact  
11 that a special relationship, arising because the Defendants exercised plenary authority  
12 over Reese and on the other above-described support of Reese by Defendants, existed  
13 between the Defendants and Reese which imposed a duty upon the Defendants to control  
14 Reese's conduct.

15 **52.** Plaintiffs are informed and believe, and on that basis allege, that said intentional  
16 and deliberate suppression and concealment of facts included, but was not limited to:  
17 issuing no warnings; permitting Reese routinely and often to be alone with minors; not  
18 having adopted a policy to prevent permitting Reese routinely and often to be alone with  
19 minors; making no reports of any allegations of Reese's abuse and molestations; making  
20 no report of Reese's abuse and molestations to the police or criminal prosecutor; failure  
21 to remove Reese's authority to act as a Scoutmaster, teacher and minister, or to contact  
22 his superiors for this purpose; and allowing continued assignments of Reese to serve in  
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positions of authority and trust over minors in which Reese could easily be alone with such persons.

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2 **53.** Plaintiffs are informed and believe, and on that basis allege, that Defendants, and  
3 each of them, made no attempt to and did not take any negative action against Reese.

4 **54.** Plaintiffs are informed and believe, and on that basis allege, that said suppressions  
5 and concealment of facts were likely to mislead Plaintiffs, their parents, church members,  
6 BSA members, students, and others to believe that Defendants had no knowledge of any  
7 charges, or that there were no other charges of sexual misconduct against Reese, that  
8 Defendants were directly supervising and preventing Reese from improper contact with  
9 minors, students, or minor students, and that there was no need for them to take further  
10 action.  
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12 **55.** Plaintiffs are informed and believe, and on that basis allege, that Defendants, and  
13 each of them, knew at the time they suppressed and concealed the true facts regarding  
14 Reese's sexual molestations, that said suppressions and concealment of fact were  
15 misleading. Plaintiffs are informed and believe, and on that basis allege, that Defendants,  
16 and each of them, suppressed and concealed the true facts with the intent to prevent  
17 Plaintiffs, their parents, church members, and others, from learning that Reese had been  
18 and was continuing to molest minors, and others under Reese's control, direction, and  
19 guidance, with complete impunity; to induce people, including Plaintiffs, their parents,  
20 other church members, benefactors, and donors to the Defendants to participate and  
21 financially support, and to continue to participate in and financially support the BSA, Mt.  
22 Rainier Council, LDS wards, seminaries, and other LDS Church money-making  
23 enterprises; to prevent further reports and outside investigations into Reese's and  
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1 Defendants' conduct; to prevent discovery of Defendants' own fraudulent conduct; to  
2 avoid damage to the reputations of Defendants; to protect their power and status in the  
3 LDS Church hierarchy; to avoid damage to the reputation of the LDS Church and to the  
4 BSA; and to avoid the civil and criminal liability of Defendants and Reese.

5 **56.** Plaintiffs are informed and believe, and on that basis allege, that at all times  
6 mentioned herein, Defendants, with knowledge of the tortious nature of their own and  
7 each others' conduct, knowingly and intentionally gave each other substantial assistance  
8 to perpetrate the fraud and deceit alleged herein.

9 **57.** Plaintiffs are informed and believe, and on that basis allege, that Plaintiffs, their  
10 parents, other students, benefactors, donors, church members, and others, were misled by  
11 Defendants' intentional suppressions and concealment of facts, and in reliance thereon,  
12 were induced to act or induced not to act exactly as intended by Defendants, and each of  
13 them, and specifically Plaintiffs and their parents were induced to believe that there were  
14 no allegations of sexual abuse against Reese. Had Plaintiffs, their parents, other students,  
15 other parents, church members, and others, known the true facts and not been ignorant of  
16 the suppressions and concealment of facts and misrepresentations, they would have  
17 determined not to participate further or to further financially support the Defendants'  
18 activities alleged herein; would not have allowed their children to go to a church in which  
19 Reese was involved; would not have allowed their children to travel with Reese; would  
20 not have allowed their children to participate in BSA and LDS activities conducted by  
21 Reese; would have reported the matters to the proper authorities, to other church  
22 members, to parents of and to minor students so as to prevent future recurrences; would  
23 not have allowed children, including Plaintiffs, to be alone with or have any relationship  
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1 with Reese; would have undertaken their own investigations which would have led to  
2 discovery of the true facts; and would have sought psychological counseling for  
3 Plaintiffs, and other molested minor victims.

4 **58.** Plaintiffs are informed and believe, and on that basis allege, that as a direct and  
5 proximate result of the wrongful conduct of said Defendants, each Plaintiff was molested  
6 and sexually, physically, and mentally abused by Reese, as alleged herein.

7 **59.** Furthermore, the Defendants' fraud, caused Plaintiffs to experience recurrences of  
8 severe mental distress, including fear, anger, shame, humiliation, helplessness, and guilt,  
9 that each Plaintiff had experienced at the time each Plaintiff was molested; and further  
10 caused each Plaintiff to experience extreme and severe mental distress, manifested by the  
11 above feelings, that each Plaintiff had been the victim of Defendants' fraud, that each  
12 Plaintiff had not been able to help other minors being molested because of the fraud, and  
13 that each Plaintiff had not been able because of the fraud to receive timely psychological  
14 counseling each Plaintiff needed to deal with problems each Plaintiff had suffered and  
15 continues to suffer as a result of the molestations.

16 **60.** As a proximate result of the acts of Reese described herein, Plaintiffs were hurt  
17 and injured in their health, strength, and activity, sustained injury to their nervous  
18 systems and persons, all of which injuries have caused, and continue to cause, Plaintiffs  
19 great mental, emotional, spiritual, physical, and nervous pain and suffering. These  
20 injuries have resulted in continuing and permanent disability to each Plaintiff. As a result  
21 of the injuries, Plaintiffs have suffered past and future damages in an amount to be  
22 determined at the time of trial.  
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61. As a further proximate result of the acts of Defendants described herein, Plaintiffs developed and continue to suffer from depression and frequent periodic episodes of anxiety, panic, fear, and other forms of emotional distress. The injuries have resulted in permanent disability to each of them. By reason thereof, Plaintiffs have suffered past and future damages in an amount to be determined at the time of trial.

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62. As a further proximate result of the acts of the Defendants described herein, each Plaintiff has been damaged in that he has been required, and will be required in the future, to expend money and to incur obligations for health care providers required in the treatment and relief of the injuries alleged, in an amount to be determined at the time of trial.

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63. As a further proximate result of the acts of Defendants described herein, each Plaintiff has been affected in his ability to be employed and thereby has lost wages and income, and will continue to lose wages and income, to his damage in an amount to be determined at the time of trial.

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64. The above-described conduct of the Defendants was willful and outrageous, was committed in reckless disregard of the probability of causing each Plaintiff severe emotional distress, mental anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise intended to cause injury to each Plaintiff. Additionally, in doing the acts as described herein, Defendants were guilty of fraud, oppression, or malice. Each Plaintiff is therefore entitled to an award of exemplary or punitive damages.

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**D. Fourth Cause of Action: Estoppel and Fraudulent Concealment.**

65. Plaintiffs hereby incorporate by reference and reallege all of the allegations contained in paragraphs 1 through 64, as though fully set forth herein.



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66. Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by scout leaders and prevent disclosure, prosecution and civil litigation including, but not limited to: failure to report incidents of abuse to law enforcement or child protection agencies, concealment of abuse it had been substantiated and failure to seek out and redress the injuries its scout leaders had caused, and failure to advise local scouting agencies of the rampant problem of sexual abuse of scouts by scout leaders and that BSA's system of "Ineligible Volunteer Files" was ineffective at curbing the problem. Based on these actions, the defendants engaged in fraudulent concealment and are estopped from asserting defense of limitations.

67. The above-described conduct of the Defendants was willful and outrageous, was committed in reckless disregard of the probability of causing Plaintiffs severe emotional distress, mental anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise intended to cause injury to Plaintiffs. Additionally, in doing the acts as described herein, Defendants were guilty of fraud, oppression, or malice. Plaintiffs are therefore entitled to an award of exemplary or punitive damages.

**D. Fifth Cause of Action: Negligent Supervision/Retention/Hiring.**

68. Plaintiffs hereby incorporate by reference and reallege all of the allegations contained in paragraphs 1 through 67, as though fully set forth herein.

69. Plaintiffs are informed and believe, and on that basis allege, that as a result of the affiliation each Plaintiff had with the LDS Church, with Reese, and with other church officials, and the affiliation between each Plaintiff, the BSA and Reese, a special fiduciary relationship, of human and spiritual trust, with concomitant *in loco parentis*

1 duties (*i.e.*, providing a safe haven for each Plaintiff, by providing for his physical and  
2 emotional care and safety) existed between each Plaintiff and the Defendants.

3 **70.** As alleged above, each Plaintiff was sexually molested by Reese, with the  
4 molestations constituting a breach of duty owed to each Plaintiff by the Defendants to  
5 supervise Reese, and to provide a safe haven for each Plaintiff.

6 **71.** Plaintiffs are informed and believe, and on that basis allege, that at no time during  
7 the periods of time alleged did the Defendants have in place a system or procedure to  
8 supervise and/or monitor LDS teachers or ministers and BSA scout leaders to insure that  
9 those ministers, teachers and scout leaders did not molest or abuse minors in the  
10 Defendants' care.

11 **72.** Plaintiffs are informed and believe, and on that basis allege, that those individuals  
12 employed or governed by the Defendants were aware, and understood how vulnerable  
13 children were to sexual abuse by ministers, teachers and scout leaders.

14 **73.** At the times that each Plaintiff was molested, Defendants were placed on actual  
15 and constructive notice that Reese had molested other minor students, LDS church  
16 members, members of the Lakewood LDS Scout troop, and other boys. Even so, the  
17 Defendants continued to retain Reese, and continued to fail to supervise Reese.

18 **74.** As a proximate result of the acts of Defendants described herein, each Plaintiff  
19 was hurt and injured in his health, strength, and activity, sustained injury to his nervous  
20 system and person, all of which injuries have caused, and continue to cause, each  
21 Plaintiff great mental, emotional, spiritual, physical, and nervous pain and suffering.  
22 These injuries have resulted in continuing and permanent disability to each of them. As a  
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1 result of the injuries, each Plaintiff has suffered past and future damages in an amount to  
2 be determined at the time of trial.

3 **75.** As a further proximate result of the acts of the Defendants described herein, each  
4 Plaintiff developed and continues to suffer from depression and frequent periodic  
5 episodes of anxiety, panic, fear, and other forms of emotional distress. The injuries have  
6 resulted in permanent disability to each of them. By reason thereof, each Plaintiff has  
7 suffered past and future damages in an amount to be determined at the time of trial.

8 **76.** As a further proximate result of the acts of the Defendants described herein, each  
9 Plaintiff has been damaged in that he has been required, and will be required in the  
10 future, to expend money and to incur obligations for health care providers required in the  
11 treatment and relief of the injuries alleged, in an amount to be determined at the time of  
12 trial.

13 **77.** As a further proximate result of the acts of the Defendants described herein, each  
14 Plaintiff has been affected in his ability to be employed and thereby has lost wages and  
15 income, and will continue to lose wages and income, to his damage in an amount to be  
16 determined at the time of trial.

17 **78.** The above-described conduct of the Defendants was willful and outrageous, was  
18 committed in reckless disregard of the probability of causing each Plaintiff severe  
19 emotional distress, mental anguish, humiliation, and psychological, spiritual, and physical  
20 injury and illness, and was otherwise intended to cause injury to each Plaintiff.  
21 Additionally, in doing the acts as described herein, Defendants were guilty of fraud,  
22 oppression, or malice. Each Plaintiff is therefore entitled to an award of exemplary or  
23 punitive damages.  
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**III. FOR ALL CAUSES OF ACTION**

1. For past and future general damages in an amount to be determined at trial.
2. For past and future special damages in an amount to be determined at trial.
3. For past and future lost earnings and loss of earning capacity in an amount to be determined at trial.
4. For punitive and exemplary damages in an amount appropriate to punish or set an example of Defendants.
5. For costs of suit.
6. For interest as allowed by law.
7. For such other and further relief as the Court may deem proper.

**V. JURY DEMAND**

Plaintiffs demand a jury trial on all issues so triable.

DATED this 10th day of August, 2010.

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